

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

NEBRASKA DEPARTMENT  
OF INSURANCE

AUG 13 2002

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

PAUL HOLDEMAN ,

RESPONDENT.

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FILED

CONSENT ORDER

CAUSE NO. A-1474

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Eric Dunning and Paul Holdeman, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001, et seq.

2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Paul Holdeman, Cause Number A-1474 on July 10, 2002. A copy of the amended petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondent violated *Neb.Rev.Stat. §44-1525(11), §44-4059(1)(b) and (h), and §44-4054(8)* provided as a result of the following conduct.

- a. On or about April 2, 2002, the Department of Insurance sent a certified letter to Respondent regarding a complaint from Jeff Havlat of Pleasant Dale, Nebraska, concerning the issuance a new cancer policy and injury policy provided through Conseco Health Insurance. The certified letter was returned by the United States Post Office on or about April 4, 2002, to the Department of Insurance, stating Respondent had moved and left no forwarding address.
- b. On or about April 12, 2002, the Department of Insurance sent a certified letter to Respondent regarding a complaint from Dale and Julie Bonifas of Juniata, Nebraska, concerning automatic withdrawal from their checking account for premium payments on a policy provided by Conseco Health Insurance. The Respondent was informed that a response should be made within fifteen working days. The Respondent failed to respond within fifteen days.
- c. On or about April 12, 2002, the Department of Insurance resent the certified letter to Respondent, initially sent on or about April 2, 2002 regarding the complaint from Jeff Halvat. The Respondent was informed that a response should be made within fifteen working days. The Respondent failed to respond within fifteen days.
- d. On or about May 9, 2002, the Department of Insurance sent another certified letter to Respondent, regarding the Bonifas complaint. The Department of Insurance requested immediate response and stated the consequences for not responding. The certified letter was returned by the United States Post Office on or about May 13, 2002, to the Department of Insurance, stating that the Respondent moved and left no forwarding address.
- e. On or about May 9, 2002, the Respondent called the Department of Insurance and was informed about the certified letter sent to him. The Respondent then informed the Department of his new mailing address.
- f. On or about May 9, 2002, the Department of Insurance sent another certified letter, regarding the Bonifas complaint, to Respondent at his new address of 209 Parsons Street, Oakland, Nebraska 68045. On or about June 3, 2002, the certified letter was returned to the Department of Insurance, by the United States Post Office, stating the letter was unclaimed.
- g. On or about May 13, 2002, the Department of Insurance sent another certified letter, regarding the Halvat complaint, to Respondent at his new address. On or about June 3, 2002 the certified letter was returned to the Department of Insurance, by the United States Post Office, stating the letter was unclaimed.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.

#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-1525(11), §44-4059(1)(b) and (h), and §44-4054(8).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Paul Holdeman, that Respondent shall pay an administrative fine of no less than three thousand dollars on or before thirty (30) days from the date the Director signs this Consent Order. In the event that Respondent fails to pay the administrative fine on or before thirty (30) days from the date the director signs this Consent Order, Respondent agrees that Respondent's insurance agent's license shall be suspended until such time that Respondent pay the administrative fine. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

EBD  
Counsel for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402) 471-2201

8/12/02  
Date

Paul Holdeman  
Respondent

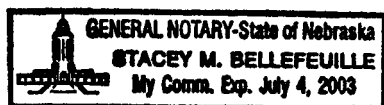
8/12/02  
Date

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Attorney for Respondent

\_\_\_\_\_  
Date

State of Nebraska )  
County of Lancaster ) ss.

On this 12<sup>th</sup> day of August, 2002, Paul Holdeman personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Stacey M. Bellefeuille  
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the  
Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs.  
Paul Holdeman, Cause No. A-1474.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



L. TIM WAGNER  
Director of Insurance

8/13/02  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at  
1520 South 25<sup>th</sup> Street, Omaha, Nebraska 68108, by certified mail, return receipt requested on this  
15<sup>th</sup> day of August, 2002.

